31-1941
The Daily Worker
New York, N. Y.

Juror in Thomas Conviction Reverses 'Guilty' Stand, Believes Negro Innocent

By Eugene Gordon

Juror No. 9 in the recent case of the State vs. Reginald Thomas swore on the witness stand in General Sessions, Part 3, yesterday morning that, although he voted "guilty," he believed during the trial and during the jury's discussions that Thomas was innocent of the charge of stabbing a patrolman five years ago.

Assistant District Attorney Grimes desperate efforts to rattle the witness and to shake his testimony added up exactly to zero.

Thomas was in court to hear Judge John Freschi pronounce sentence in a case all fair-minded observers seemed to feel was a cocted to railroad to prison the former Negro organizer of the International Labor Defense in Harlem.

Samuel Neuburger, ILD attorney defending Thomas, had summoned into court all the former all-white jurymen. One of these men had written to Judge Freschi that he believed Thomas innocent. The defense hoped, on the strength of that letter, to procure a new trial. The juror who wrote the letter was Eli Allison, of 894 Riverside Drive. Three of the others were expected to support Allison's testimony.

BELIEVES THOMAS INNOCENT

Mr. Allison, responding to questioning by Mr. Neuburger, said that in his opinion Thomas was innocent of having stabbed patrolman Dolan in a street fight on the night of July 12, 1936. He declared that he had held this opinion since early in the trial.

He then proceeded to identify the letter he had written to Judge Freschi. Here is that letter:

"Riverside Drive,
New York City,
Wa. 8-0201,
July 22, 1941.

"Hon. Judge Freschi,
Court of General Sessions,
New York City.

"Dear Sir: I was Juror No. 9 in the Reg. Thomas case. After several hours of contending for the defense, four other jurors stated that they would now vote guilty, leaving me alone against eleven jurors for conviction.

"I now began to feel that for me

REGGIE THOMAS

to contend my reasoning was superior to that of these eleven fellow jurors was possibly rather conceited. Also, the lone responsibility for causing that laboriously conducted case to be repeated weighed heavily with me. I accordingly consented to vote with the maority.

"I now find that my mind is never going to be easy unless I acquaint you with these facts which I tender in the hope that you may find some grounds for mitigating the severity of the sentence you will later impose.

"If you should desire to question me on these matters, I will gladly come to the Courts Building at your behest and convenience.

"Respectfully submitted,
"(Signed) ELI ALLISON."

Neuburger asked Allison why he voted guilty with the other jurors. Because, Allison said, he felt he should vote with the majority. Although he thought the man innocent, he explained, he felt he should "give some deference to majority opinion," he having always been a strong believer in democratic procedure.

REFUSES TO BE RATTLED

Allison from the first gave the impression of being an unusually intelligent, courageous and fair-minded man. It was brought out, when the prosecution took over the examination, that Allison is a teacher of mathematics and science. Grimes used all known—and some hitherto unfamiliar—tricks in the prosecution's bag of tricks to rattle, disconcert and frighten the witness.

The prosecution, for instance, took Allison's letter to Judge Freschi and, quoting it line by line, tried to make it appear that the writer was insincere and dishonest. Allison's own straightforward answers, however, and his occasional chiding of the simple English, turned the tables. He succeeded in making Grimes appear insincere and dishonest.

It became clearer as the hearing progressed that the District Attorney's office has determined to "get" Reginald Thomas, even though one juror has proved that the guilty verdict was not unanimous. Everybody who witnessed the trial remembers the prosecution's failure to produce one of the many police witnesses. Why? The conclusion seems inescapable that the District Attorney's office could not trust its own witnesses to give convincing testimony against Reginald Thomas.

'PRESSURE' FROM JURORS

When Grimes sneered that Allison had "changed" his mind on whether or not Thomas was guilty, and asked the witness how it happened that he voted "guilty" when he thought the defendant innocent, Allison replied that his vote of "guilty" was not based on the evidence, for he had never considered it conclusive. It was based, he declared, on "pressure" from the other jurors.

All that is, of course, implicit in his letter to Judge Freschi.

"Answer my question," Grimes barked at one point. "Yes or no?"

Allison had already answered that particular question a dozen times.

He retorted: "I'm giving you the truth, sir. I have never studied law. I have never been in a courtroom before. . . ."

Judge Freschi intervened to agree that Mr. Allison had repeatedly answered the prosecution's question. As Grimes, his face red and his exasperation plainly evident, took his seat, the judge completed the questioning to his own satisfaction.

Grimes read into the record the names and numbers of eight jurors who, he said, would take the witness stand to repudiate Allison's testimony. The defense, however said that it had three other jurors who would substantiate Allison. There is a rumor afloat, meanwhile, that the District Attorney's office will try to get a Grand Jury indictment of Allison for "collusion" with the defense.

Jurors three and six in their testimony, corroborated Allison's statement.

The "Reggie Thomas Defense Committee" is trying to raise money for the future defense of the former Harlem organizer of the ILD. It has announced a studio party for Saturday night at 22 Mt. Morris Park West, all proceeds from which will go to the defense fund.

Argus
St. Louis, Missouri

U. S. Juror

OCT 31 1941

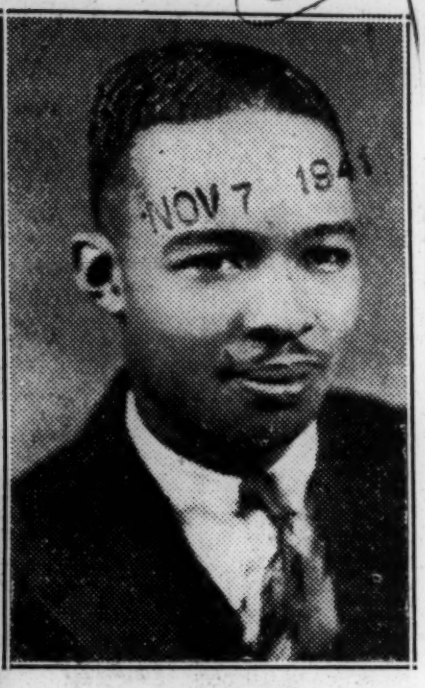
For the first time in the history of the United States District Court, Eastern District of Missouri, Negroes have selected to serve as petit jurors.

Prof. L. B. Boler is one of the first Negroes to serve as juror in the United States District Court, Cape Girardeau, Mo. as set for the October term beginning October 14, , with Baker, is another Negro, L. L. Hughes of Morley, Mo.

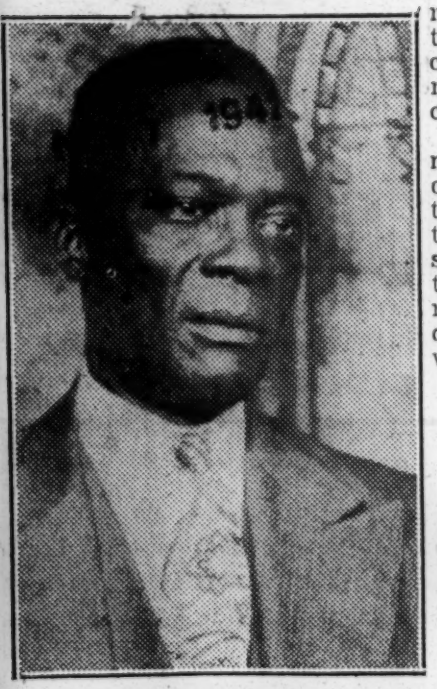
Judge George H. Moore is in charge of the court for the Eastern District of Missouri.

Boler lives in Charleston, Mo. and was educated in the A. and M. College, Pine Bluff, Ark.; Campbell College, Jackson, Miss. and Tuskegee and Hampton Institutes. He has served as instructor of vocational agriculture at Charleston, Mo. for the past 15 years and is ex-member of the Board of Curators, Lincoln University, author of the Live at Home Program in Southeast Missouri ,adjutant, American Legion Post 296, chairman committee of Boy Scouts of Charleston; is a farm owner and started the farm ownership for Negroes in Mississippi County, Mo. Being a civic and church worker, he has pioneered in opening many avenues for better living for Negroes in Southeast Missouri.

They Served On Jeffco Jury!



J. B. NESBITT



SAM YOUNG

RECENTLY ACTED ON GRAND JURY

A few weeks ago in Judge John C. Morrow's Circuit Court Messers J. B. Nesbitt and Sam Young actually acted on a jury returning a verdict!

Mr. Nesbitt, who lives at 400 Emma Avenue, is a L. & N. shop worker at Boyles, a very active member of the St. Luke Methodist Church, and prominent in many civic enterprises.

Mr. Sam Young, 216 South 46th Street, is a miner by profession. He is a good church worker of New Hope Baptist Church, and says he really enjoyed this experience serving on the jury.

Telegraph
Macon, Georgia

Issue of Negroes on Jury Thrown Out in Attack Case

A jury was selected to try the famed "Judge Lynch" case in Bibb superior court Monday afternoon, after Judge A. M. Anderson had over-ruled Defense Attorney D. Lee Churchwell's challenge of the jury list.

Churchwell, representing Eddie Lee Spivey, Eastman Negro accused of raping a white woman, charged the Bibb court systematically and deliberately eliminates Negroes from trial juries.

He challenged the jury list on the grounds that 50 Negroes in a total of 2,811 jurors is not a fair representation, and is only an attempt by the court to "formally comply" with the supreme court's ruling on the Scottsboro, Ala., case.

He said Solicitor Garrett had never permitted a Negro to serve on a trial jury, always striking them off. Jury commissioners testified they used the same standard in selecting Negroes as they did whites, but found the ratio of Negroes suitable for jury duty not as great as that of the whites.

Judge Anderson upheld the method of selecting jurors as legal, over-ruling Churchwell's challenge.

Twelve men were selected from a list of 56 called. Only one Negro was called in this larger group, and he, Dan Harris, disqualified himself as being opposed to capital punishment.

Jurors are Porter D. Thomas, A. L. Lawrence, G. G. Abney, E. A. Donnam, W. B. Tye Sr., Julien S. Lewis, W. C. Knight, John B. Napier, S. S. Chandler, W. C. Livingston, A. E. Jones Jr. and J. F. Collins.

The case of Eddie Lee Spivey was transferred to Bibb county from Dodge county. It won national attention in June when Spivey talked a mob out of its intention to lynch him. The mob, with the rope already around Spivey's neck, became uncertain it had the right man, and returned the Negro to jail to let the law take its course.

COURT CLEARED

The courtroom was cleared of all persons except principals in the case, attorneys, newspaper reporters, and relatives of principals just before the elderly white woman entered the room and the lawyers addressed the jury on what they hope to prove in the trial.

Solicitor Charles Garrett said the state expects to prove that Spivey was tracked from the scene of the crime to his home by bloodhounds, and that his tracks corresponded with those found at the scene. He says Spivey put up a false alibi when arrested and asked where he was at the time of the alleged crime, and that he later told a different story.

JURORS DISMISSED

Churchwell declared that the defense would prove that Spivey knew nothing of the alleged attack; that he was not within two miles of the scene; that he had a good reputation among whites and blacks; that the white woman failed to identify Spivey to the mob as the attacker; that the white woman has a bad reputation; that Churchwell doubts that it was rape, but if it was, the attacker was a white man dressed like Spivey.

There are about 30 or 35 witnesses in the case.

After the opening plans were announced by the lawyers, Judge Anderson dismissed the jurors for the night, permitting them to return to their homes.

Court will open earlier than usual this morning, beginning at 9 o'clock.

Solicitor M. H. Boyer of the Oconee circuit, and City Judge A. R. Ross of Eastman are associated with Solicitor Garrett in the prosecution.

Macon Ga. News
December 3, 1941

About Negroes on Juries

In Macon News' opinion, Judge A. M. Anderson was eminently correct in over-ruling a challenge of the Bibb superior court jury list based on the assertion that there are not sufficient Negroes thereon.

It is true, of course, that the fact that there are only 50 Negroes on the Bibb jury list of 2,811 names seems grossly out of proportion when one considers the ratio of blacks and whites with which the county is populated.

When one takes into consideration the qualifications required of jurymen, however, it is readily understood how such an apparent discrepancy might well exist.

The trouble lies, of course, with the respective advantages which the average Negro of jury-serving age has enjoyed as contrasted with those of the average white juryman.

With the increased educational facilities now available to Negroes, the percentage may well show a marked upward trend during the next few years.

Meanwhile, however, until the Negro proves himself qualified and capable, it would be best for all parties concerned to let well enough alone.

Dec. 31-1941

New York Age
New York, N. Y.

Negroes Called For Blue Ribbon, Grand Juries In Manhattan

FEB 15 1941

Several hundred Negroes have been called by the New York County Jury Commissioners office for examination as potential Blue Ribbon Panel jurors and members of the New York County Grand Jury, as a result of efforts by the N.A.A.C.P.

The issue was raised when a Blue Ribbon jury was sought for the trial of Morris Preston, Negro, charged with the murder of his wife, Preston, and his wife, were two of the seven persons manhandled by a mob in the famous Cranbury N. J., potato pickers' case in 1939.

When a Blue Ribbon jury was sought Morris Shapiro, Preston's counsel, raised the issue of the absence of Negroes on such juries in New York County. At Mr. Shapiro's request a brief amicus curiae was filed by the N.A.A.C.P. and hearings were held on the validity of trying Preston before an all-white Blue Ribbon Panel jury before Judge Jonah J. Goldstein of the Court of General Sessions.

At hearings before Judge Goldstein on January 30 the NAACP's secretary presented to the court a list of 159 Negro residents of Manhattan who had qualifications for jury service. Deputy Commissioners James McGurrin and Thomas F. Kane expressed willingness to include on the jury list all Negroes who met the qualifications and who were willing to serve. Judge Goldstein adjourned the hearing to February 11 to permit the N.A.A.C.P. to prepare an additional list of all available persons.

On February 6 announcement was made of the appointment of Robert P. Braddicks as foreman of the Grand Jury, the first time in history that this has occurred.

CHARGED WITH STABBING

David Lewis of 2461 Seventh avenue charged one Walter Christie, 24, 250 West 139th street with cutting him with the open blade of a pocket knife. Lewis told police that he and Christie, a cook, quarrelled and that the stabbing occurred in his apartment. Christie was arrested by detectives of the 32nd Squad on Thursday night.

New York Age
New York, N. Y.

FEB 15 1941

NEGRO GRAND JURORS

DISTRICT ATTORNEY Thomas E. Dewey set a fine example of democratic practice when he approved the selection of Robert P. Braddicks as foreman of a Blue Ribbon Grand Jury. Mr. Braddicks happens to be a Negro and although there have been many Negro jurors in the courts of New York, this was the first recorded instance of a Negro serving as a Grand Jury foreman.

Since the U. S. Supreme Court decision reversing the Scottsboro case on the grounds that no Negroes were on the jury panel, considerable attention has been paid to this question by courts in all parts of the country. But in many sections the letter of the law is compiled with by calling Negroes for jury duty but not allowing them to actually serve. This practice has been too often true even in New York City.

FEB 15 1941

However, under District Attorney Dewey's administration, more Negroes have served on local juries than under any of his predecessors, and the selection of Mr. Braddicks as foreman of the Grand Jury is a tribute to the fact that Negroes have made good jurors and have a keen sense of their civic responsibilities.

We hope that the example set by the General Sessions Court and the District Attorney's office of Manhattan will be followed by the other boroughs of the city and throughout the state.

NO NEGROES ON HIS JURY, TEXAN FREED

The Call
Kansas City, Mo.

JAN 31 1941

Indictment of Houston Man Held Invalid on Exclusion Issue

BY PRESTON HAYES JR.

HOUSTON. — (ANP) — The long arm of the U. S. Supreme court reached down to Texas last Friday, when, in the court of Judge Langston G. King, during a habeas corpus hearing, the indictment against Edgar Smith, 21-year-old Tomball resident, was held invalid and he was released from jail.

Smith was convicted of criminal assault on a farm woman and given a life sentence on May 18, 1939. The case attracted wide notice because of the contention by Smith's attorneys. Sam W. Davis and Harry W. Freeman that Negroes were excluded from grand jury service here hence the verdict should be set aside.

The lawyers fought the issue to the U. S. High Court and that tribunal, on November 25, last held Smith's indictment was void because of the discrimination here against his race on grand juries. Smith cannot be reindicted because the statute of limitations bars prosecution in criminal assault cases after one year. He had been in jail since August 1, 1938, the day of the alleged assault.

After Judge King ordered Smith's release from jail last Friday, Attorney Freman said the youth would be rushed from the county to forestall any attempt at mob violence. A job awaited Smith in another town, the lawyer stated.

Chicago Defender
Chicago, Illinois

Fla. County Opens Jury Duty To Race

FEB 8 1941

SARASOTA, Fla. — (ANP) — To the growing list of southern states which have heretofore excluded Negroes from jury duty, but which are seeing the handwriting on the walls, add the name of Florida, for in Sarasota two weeks ago names of Negroes went into jury box of this county, for the first time in its history.

Approximately a dozen Negro names were placed in the list by the county commissioners, in each of precincts one and ten. No Negroes are registered in the remaining nine precincts.

The action was taken because the commissioners took cognizance of the recent supreme court ruling throwing out cases in which Negroes had been denied the right of jury duty. In securing the registration of Negroes in this city some months ago, it became necessary to bring guns into service, as whites threatened the Negroes who wished to get their names on the books. However, despite this, some 150 Negroes were registered for the election.

Tribune
Philadelphia, Pa.

"Blue Ribbon" Jury Accused Of Race Bias

JAN 28 1941

NEW YORK, (ANP)—Taking the position that Negroes have never been used on "blue ribbon" juries in New York county and opposing their use in a case involving Morris Preston, a young Negro charged with murdering his wife, Attorney Morris Shapira raised the issue before Judge Goldstein in the court of special sessions here Tuesday.

Assistant district attorney James O'Malley, from District Attorney Dewey's office moved that the jury of aristocrats or community be used. Attorney Thurgood Marshall presented an amicus curiae brief signed by himself, Hubert T. Delaney, Morris L. Ernst and Benjamin Kaplan which charged that the use of jury lists which are in any way affected by racial discrimination, is in violation of state and federal law. Further hearings will be held this week.

NEGROES MUST SERVE ON GRAND JURIES

Modern Farmer

The Supreme Court of the United States in a unanimous opinion delivered by Justice Hugo Black, set aside the sentence of a Houston, Texas, Negro to life imprisonment for criminally assaulting a white woman. The opinion stated that racial discrimination had resulted in the exclusion of Negroes from the Grand Jury which not only violated the constitution but "is at war with our basic concepts of a democratic society and a representative government."

MAR 15 1941

"One young Texas lawyer, now a member of the Legislature, contends privately that a rigid interpretation of previous decisions of the Supreme Court on questions involving jury service for Negroes would throw out sentences meted out by trial juries selected by all white Jury Commissions.

Chicago Bee
Chicago, Illinois

BAR NEGRO FROM SPELL TRIAL JURY

FEB 2 1941

BRIDGEPORT, Conn., Jan. 30 Solely on the ground that he had at one time been a member of the National Association for the Advancement of Colored People, Robert A. Thompson on Wednesday was excluded from the jury panel sitting in the trial of Joseph Spell, 31-year-old chauffeur and butler, whose white socialite employer, Mrs. John K. Strubing, Jr., charges that he raped her three times on the night of last December 10.

Thompson, an employee in a local shoe shining and hat cleaning establishment, was one of two Negro prospective jurors examined by the state and the defense, from a list of 33 persons, during the past two days. Both Negroes were excluded. The Rev. James W. Watson was rejected Tuesday, January 22 by State's Attorney Lorin W. Willis, after the minister had answered "No", in response to Willis's question, asking him if he would be "embarrassed" by serving as a juror in the case. Thompson was excluded by Judge Carl Foster after he answered the question by State's Attorney Willis, as to whether he was a member of the N. A. A. C. P., by stating that although he was not a member o the association at the present time ne had been a member a few years ago.

Willis then pointed to Thurgood Marshall, N. A. A. C. P. attorney, associated with Friedman in the case, who was seated at the counsel table, saying that the N. A. A. C. P. was interested in the defense of the case and for that reason Thompson should be barred from serving.

Protests Overriden

Protesting vigorously, Friedman pointed out that to bar Thompson on such a ground would, in effect bar practically all Negroes in New England, because of the association's large membership in this area.

Judge Foster, after hearing both sides, said: "If this man is not chosen, no harm will be done; if he is chosen harm might be done." He then excused Thompson. Friedman immediately noted an exception.

Thus after two days of selecting veniremen, the case continues with an all white jury composed of six men and six women.

According to Mr. Marshall, the trial is expected to consume the balance of this week and run well into next week. Irwin Friedman, brother of the defense counsel, is also associated in the case.

News
Birmingham, Ala.

First Negro Chosen To Serve On A Jury In Civil Court Here

Henry Ellington, postman, had the distinction Wednesday of being the first Negro to serve on a jury in the civil division of the Jefferson County Circuit Court.

Ellington was one of the 12 men trying a case in Judge Whit Windham's division in which Philip James, another Negro, seeks $3,000 for injuries suffered when a Southern Railway train was said to have struck his automobile Jan. 19, 1940 at Twenty-Seventh Street and Second Avenue, North.

About three weeks ago a Negro served for the first time on a jury in the criminal division. Since the Supreme Court invalidated the Scottsboro decisions in 1933 because no Negroes were available as possible jurors. Negroes frequently had a summons for jury duty at the courthouse but none had been actually drawn until the two recent cases.

Pittsburgh Courier
Pittsburgh, Pa.

Race Man On Jury Which Awards $2,250

First Birmingham Juror Awards Race Member Damages Against Railroad.

BIRMINGHAM, Ala., May 29.—For the first time in the history of this city and county, a Negro was selected for service on a jury in the Civil Division of the Circuit court here Wednesday morning when Henry Ellington, postal employee, sat with 11 other jurors in the trial of a damage suit in which the plaintiff was a member of his own race.

The plaintiff, Philip James, was suing the Southern Railway for $3,000 damages claimed as the result of injuries alleged to have been received when on Jan. 19 his automobile was struck at the intersection of 27th street and Second avenue by one of the defendant's trains. James was awarded a verdict by the jury of $2,250.

Service of Ellington as a juror was regarded as being of special significance in view of the fact that the principal basis of appeals now before the U.S. Supreme

Pittsburgh Courier
Pittsburgh, Pa.

NAME RACE MAN TO GRAND JURY BOARD

APR 12 1941

Unprecedented Action Follows Supreme Court Ruling —On Commission that Selects Grand Jurors

HOUSTON, Texas, April 10.—Setting a precedent for the entire South because of the many U.S. Supreme Court rulings that barring Negroes from serving on grand juries is a denial of equal protection of the law, Judge Whit Boyd last Saturday appointed the first Negro member to the Harris County Jury Commission ever to be named in the South.

APR 12 1941

Judge Boyd named Professor Nat Q. Henderson, principal of the Bruce elementary school and outstanding civic and political leader of Houston, to the three-man body. Immediately after the announcement Professor Henderson met with Harold B. Sadler, vice president of City National Bank, and J. M. Cary, retired manufacturer, his fellow commissioners.

APR 12 1941

The three men selected the names of the grand jurors to serve during the May term of court. The jury will be impanneled May 5. Harris County has had one conviction set aside by the Supreme Court because Negroes were barred from serving as grand jurors or jury commissioners.

Court in the cases of two men convicted here last fall and sentenced to death for the murder of a white filling station operator, is that Negroes were systematically excluded from the grand jury that indicted them and the petit juries before which they were tried.

Kansas City Call
Kansas City, Mo.

We Help Ourselves

Without taking from the circuit judges the credit due them for including Negroes among those called for the grand jury, we call attention to the services of the local branch of the National Association for the Advancement of Colored People in bringing about this advance toward equality in citizenship.

NOV 14 1941

The change is good from every standpoint. Enforcement of the law depends upon respect for the law. So long as any group of citizens was not called to do their share in its behalf, both those serving and those not serving knew something was lacking.

Under the new conditions Negroes will have a feeling of responsibility for law enforcement they did not have so long as their stewardship of it was limited. At the same time whites will no longer labor under the inconsistency of promising to act in the spirit of the Constitution while maintaining a mental reservation that full citizenship for Negroes was not to be.

The part played in this reform by the local branch of the N.A.A.C.P. of which Carl Johnson is president is in keeping with the highest traditions of the Association. In its early days persons charged with law breaking used to treat it as little more than a handy man, to get them bail and conduct their defense. Under Johnson, its objectives have been the broad principles upon which depend all our security and opportunity.

There was reason enough before why every Negro should be a member of the Association, contributing whatever he could as his yearly membership fee. That call to duty is the more insistent now when by such acts as getting Negroes on the grand jury, it protects our interests enmasse. Carl Johnson and the N.A.A.C.P. have been working for the group. Material help as well as gratitude is due them.

New York Times
New York, N. Y.

Negro Women Are Called For Jury Duty in Jersey

NOV 23 1941

Special to THE NEW YORK TIMES.

LINDEN, N. J., Nov. 22—Ralph H. Martone, clerk of the Fifth Judicial District Court here, who has set a number of precedents in court proceedings, established another innovation this week when he summoned a group of Negro women from Rahway for jury duty.

Mr. Martone said he is the first district court clerk in New Jersey to use white women and Negro men on the same jury and that other court clerks have followed him in this practice. He said he intends to add the names of many more Negro women to his jury list.

NOV 29 1941

According to Mr. Martone he has had trouble getting jurors because of the number of men who have swarmed into the defense factories here. He began to use Negro men for jury duty several years ago, but has never called Negro women before.

31-1941

Black Dispatch
Oklahoma City, Okla

Jury Service

—o—

This writer has been called as a juror to serve during the January term of the federal court. We expect to report Thursday morning for duty and remain during the pleasure and command of the court. JAN 1 1 1941

January is always a busy month. We have our yearly work to plan and there are the odds and ends of the passing year that must receive consideration. Coupled with this, January is one of the lean months of the year, and a man does the right thing when he nurses his business during the initial thirty days of the year.

In spite of this we plan to go to the federal court without offering any excuses or suggesting any subterfuge which might cause dismissal from service. Too often Negroes called for jury service jump at the slightest opportunity offered to be excused.

We shall not do this because we feel jury service is a call to serve in the administration of the most primary and vital functions of government. Negroes talk about their rights and privileges. We are prone to tell of injustices in the courts, but we had just as well make this up in our minds: The milk of human kindness will never enter the courtrooms of America, to benefit Negroes, until the body of the Negro population has been accepted for jury service along with other units of the population.

JAN 1 1 1941

Too many Negroes are fooled with the suggestion that Negroes have not yet reached a point where their social outlook is sufficient for jury service. We have stood in (not white groups) Negro groups and heard black folk who should know better deliver themselves of such silly misinformation. All such talk is tommy-rot. The average Negro farmer and city lot owner who is called for jury service will compare very favorably with the members of other racial stocks called for jury service.

In a recent trial in the district court the owner of a bus company, being sued for damages, told his lawyer when he approached him regarding a Negro in the panel, that he would rather have the Negro than any one else on the jury. Needless to say the bus owner won his case. We know nothing about the merits of the case, we only recite this incident to show that slowly white people are beginning to realize that the quality of judgement used by Negroes on juries is not inimical to their interests.

JAN 1 1 1941

But the point we want to make is that Mr. Average white citizen is going to assume a far more democratic and sympathetic attitude toward Negro defendants the day he realizes some black defendant's relatives or friends may later be sitting in judgement upon him. This is the picture that all sensible Negroes should see and it is the reason why no black man called for jury service should seek excuse or dodge responsibility.

The National Association for the Advancement of Colored People and the International Labor Defense has stubbornly fought for years demanding this elementary right for black citizens. The influence of the black man upon government cannot settle down and become effective identically as that of other units of the population unless black citizens make the sacrifices required by jury service.

Telegraph
Macon, Georgia

Letters

Negroes on Juries

Editor The Telegraph: JAN 2 1941

I have just read a letter to you from Mr. J. B. Kendrick, of Dawson, Ga., concerning the competency of Negroes to serve on juries. Mr. Kendrick makes a pretty poor effort to prove his case on the oft-shattered and thoroughly refuted evidence that was used 60 years ago with some success.

Mr. Kendrick fails to recognize that all intelligent white people of the South discarded such rantings and ravings so long ago that to resurrect them now scarcely causes a ripple on an otherwise calm sea.

"A man does not have to be a lawyer" to know that if a Negro is educated even to a reasonable degree and given just half an economic chance [instead of going to some sharecropper's field at the age of six or seven years to be one of Mr. Kendrick's ideal servants] he will be just as competent a juror as any other man. Because he will certainly succeed.

Look around us here in Bibb county and we will find those Negroes who have had just a little learning, those who through hard study in over-crowded classrooms [where one teacher has from 40 to 75 students] living in their own homes. Most of them have cars, they have nice churches, they carry insurance and, in most instances, they have small but tidy savings accounts. They take a part in Red Cross drives and Community Chest efforts. When men and women thus handicapped succeed in that degree, I hold that they are competent as much or more than their contemporaries, who are much less handicapped.

I don't pretend to be a scholar so I really don't know that through the thousands of years of history the Negro has never had stable government, a language or a religion of his own and the other things Mr. Kendrick says. Nor do I know of a scholar who will testify to Mr. Kendrick's statement. Neither have I read a history [I have studied Ancient, Medieval and Modern] that bears him out in his contentions.

* * *

Further, I am not willing to use the Bible as a witness to prove that Negroes are fit habitants only for the jungle.

Mr. Kendrick harangues Mr. Black for being a Southern man, knowing the Negro, his virtues and his failings, yet voiding the conviction of a Negro for rape on the grounds that no Negroes were represented on the jury. True, Mr. Black is a Southerner, but Mr. Kendrick forgets that Mr. Black is also an associate justice of the supreme court of the United States of America. The decision was not only unanimous but also legal and the legal product of a legal investigation.

We in America, both white and colored, go into righteous indignation at the mockery of the totalitarian courts and totalitarian justice. Merely to read of the star chamber trials and the persecution of Germany and Russia that causes floods of speeches, letters, etc., of condemnation, yet right here in America where law, liberty, and justice are supposed to be supreme, a man who is supposed to be intelligent, who was born free and has had every opportunity for enlightenment, rants and raves because justice has its course. Such is anarchy.

We say to Mr. Kendrick the fault lies not in Mr. Justice Black but in those of the lower courts whose duty it is to prosecute [all] criminals legally.

We do not mean to condone the horrible and revolting crime of rape nor any other crime, but the accused should be convicted legally. This is the making of good government.

Macon. W. PHILIP RANDALL.

* * *

Again the Goat

Editor The Telegraph:

I think most good Americans are in favor of aid to Great Britain. All help that we are able to furnish now means less sacrifice of American life later on. There is no need to kid ourselves. We are in the war now.

I don't believe that we can keep from fighting if the war continues long enough. People or nations don't forget. Our American policy at present is hostile towards Germany, Italy, Japan or even Russia—although we are softening our attitude towards the latter. The others know how we feel—that we will continue our aid to their enemies. They know they must fight us if this aid continues even if it eventually leads to their defeat. So don't let people tell you that we will not have to fight. We are fighting now with money, munitions and other help.

Men can and will come later if we continue our present policy, unless the Axis partners collapse before that time.

We Americans are easily led by our newspapers. When the war started we were going to avoid the mistakes of the war before. Legislation was passed to insure our neutrality. No money was to be lent to nations in default of their war debt. All transactions with fighting nations were to be on a cash-and-carry basis. No American ship was to go to belligerent waters. We felt secure. There would be no excuse for war this time.

Have we changed? Do we still feel the same way about things? Let's see. Every day some one suggests sending our ships to hostile waters. We have turned away from strict neutrality.

Now President Roosevelt suggests lending war supplies to England. Don't let this pull the wool over your eyes. This means one thing. We again are the goats. We will finance the war. What use would we have for the enormous quantity of supplies returned to us by Britain at the end of the war unless we ourselves happened to be at war with some other country?

I am not a pessimist, a Nazi or Fascist. I merely want people to see what has been suggested, and how we have changed our attitude towards things since the beginning of the war.

Forsyth. FRED WHITE.

Pittsburgh Courier
Pittsburgh, Pa.

NAME RACE MAN TO GRAND JURY BOARD

APR 12 1941

Unprecedented Action Follows Supreme Court Ruling —On Commission that Selects Grand Jurors

HOUSTON, Texas, April 10.—Setting a precedent for the entire South because of the many U.S. Supreme Court rulings that barring Negroes from serving on grand juries is a denial of equal protection of the law, Judge Whit Boyd last Saturday appointed the first Negro member to the Harris County Jury Commission ever to be named in the South.

Judge Boyd named Professor Nat Q. Henderson, principal of the Bruce elementary school and outstanding civic and political leader of Houston, to the three-man body. Immediately after the announcement Professor Henderson met with Harold B. Sadler, vice president of City National Bank, and J. M. Cary, retired manufacturer, his fellow commissioners.

APR 12 1941

The three men selected the names of the grand jurors to serve during the May term of court. The jury will be impanneled May 5. Harris County has had one conviction set aside by the Supreme Court because Negroes were barred from serving as grand jurors or jury commissioners.

The trial in question concerned one John Lee, colored, who was charged with the theft of a gold watch and a dime.

Chicago Defender
Chicago, Illinois

On Grand Jury

F. D. THOMPSON

Well-known cafe proprietor of Monroe, La., was chosen last week to serve on the federal grand jury. This is the first time since Reconstruction that a Race resident of Monroe has been asked to serve on a grand jury. Mr. Thompson is also a dance promoter. He is presenting Fletcher Henderson and his orchestra on June 2.

Journal and Guide
Norfolk, Virginia

Biased White Juror Is Dismissed from Service

NEW YORK—When a white man, summoned for jury duty, told the court that he would not believe the word of a Negro in any circumstances against that of a white man, Judge Jonah J. Goldstein, presiding over a robbery trial, dismissed the talesman and had his name stricken from the jury panel for all time.

MAY 31 1941

Leo J. Goodwin, manager of a sight-seeing bus concern, very frankly expressed his mistrust of a colored man's honesty and revealed to the court that he was from Florida, when put to further questioning by Judge Golstein.

"I appreciate your frankness," the judge told Goodwin, "but the jury panel is no place for you. A juror always should be fair and impartial."

MAY 31 1941

Daily World
Atlanta, Georgia

TEXAS GETS FIRST NEGRO GRAND JURY COMMISSIONER

APR 18 1941

HOUSTON, Texas—(A N P)—For the first time in the history of Harris county, a colored man was sworn in as a grand jury commissioner this past week. He was N. Q. Henderson, white-haired venerable 75-year-old educator.

The appointment of Henderson was made as a result of the recent supreme court verdict that Negroes had been "systematically" excluded from grand jury service. Henderson has been principal of Bruce Elementary school for the past 32 years and is known to most of the people in Harris county.

Sworn in by Judge L. G. King, he will serve with J. M. Cary and Harold L. Saddler, both white business men. The appointment was made by Judge Ewing Boyd who was unable to administer the oath because of illness.

N. G. Henderson Is Sworn in By Houston Judge

APR 18 1941

In commenting on the appointment, Judge King said, "I believe the supreme court case resulted in the appointment of Henderson. I think it is the first time in the history of Harris county that a Negro has been appointed. There may have been Negroes on grand jury commissions during reconstruction days, but it is safe to say that it is the first time in modern history."

APR 18 1941

Henderson is a native of Texas, having been born near Columbus, where he taught school for 2[illegible] years before coming to Houston.

Chicago Defender
Chicago, Illinois

Name 2 Race Men For Ala. Jury Service

MAR 1 1941

MONTGOMERY, Ala.—(ANP) — Montgomery county stirred the pages of history and made an approach toward better racial relations last Monday, when, for the first time, two Negroes were named on the February grand jury.

Here in the capital of the Confederacy, when Jefferson Davis directed the rebel hosts during the Civil war, two descendants of the slaves they held in bondage, mounted the jury box to serve as the peers of their fellowmen.

The two were Dr. Jerome D Harris, pastor of historic First Baptist church, where the National Baptist convention, Inc., was organized, and Prof. J. R. Wingfield, superintendent of the Alabama Reform school at Mt. Meigs. Dr. Harris and Professor Wingfield are both members of the Civic league of Montgomery.

could not be tried by a blue ribbon jury because his race is not represented on the panel.

Livoti said that there were no Negroes on either the special or Grand Jury panels when he took over the duties of the jury commissioner, but that he has corrected this.

"Of course," Colden said, "it is impossible to say that one Negro or several Negroes would have been among the talesmen selected if the court had asked to draw a special panel."

MAY 3 1941

"Remember the selection of a jury panel is pure chance. There are 700 persons on the special panel. If the court had asked for 50 or 0 talesmen, you can figure out the chances of any one person's name being drawn.

New York Age
New York, N. Y.

County Clerk Denies Negroes Skipped On Grand Jury Panels

JAMAICA, L. I.—The office of the County Clerk here has taken issue with claims that no Negroes are allowed on the special or blue-ribbon jury.

MAY 3 1941

County Clerk Paul Livoti maintains there are at least three Negroes on the panel.

The statement of the County Clerk came as a result of the ruling last week by County Judge Charles S. Colden that a South Jamaica Negro charged with murder,

31-1941
Bystander
Des Moines, Iowa

THREE NEGROES ON JURY

In one of Polk County's first victories against labor leaders, significant was the fact that three Negro women served as jurors, who returned a guilty verdict Sunday, May 26, against Carl Keul, former business agent of the truck drivers union, Local No. 90. The conspiracy case, heard by District Judge Loy Ladd, was segregated throughout the two weeks of the trial. The jurors, eleven women and one man, were housed at Hotel Ft. Des Moines. The jury (front row, left to right): D. H. Reynolds, Elkhart, Iowa; Blanche Decker, 1421 E. Jefferson; Gabrielle Byers, R. R. 1, Des Moines; Besie DeMoss, 2051 E. Grand; Hazel Potts, Ft. Des Moines; and Margaret Jewett, 1446 Fremont. (Back row (left to right): Mrs. C. E. Shaffner, 1154 Twelfth; Iva Marie Mitchell, 3518 Fifty-second; Vernie M. Reisetter, 1812 Twenty-third; Mrs. Pauline Wilson, 1020 Sixteenth; Daisy Stermole, E. Fourteenth and Cottage drive; and Samantha Cobb, 1419 Park. Seated in front of the jury box at left is Keul. Mesdames Jewett, Wilson, and Cobb were Negro members of the jury. (Courtesy of Register.) According to S. Joe Brown, veteran attorney, this is the largest number of Negroes to serve on one jury in the 39 years he has been observing Polk County juries.

Atlanta, Ga. Constitution
July 11, 1941

Jury Exclusion Recognized by Supreme Court

Race Question Should Be Raised at Time of Trial, Is Ruling.

The question of arbitrary and systematic exclusion of Negroes from juries must be raised at the time of trial if it is to have any legal value, the Georgia supreme court ruled yesterday.

Although the tribunal denied a new trial for a Cobb county convicted rapist, sought on the contention of jury exclusion of Negroes, it did order a rehearing on a habeas corpus case on grounds the defendant was deprived of benefit of counsel. The Fulton court had denied the habeas corpus.

The supreme court asserted its familiarity with various rulings of the United States supreme court that jury exclusion of Negroes constitutes denial of equal rights guaranteed by the fourteenth amendment, but said:

"A complaint that Negroes were systematically and arbitrarily excluded from the jury lists from the county in which the Negro was convicted does not present a good ground for habeas corpus. An objection of this kind should have been presented in a proper way at the trial and upon failure to do so it is to be considered waived."

The Negro was sentenced to death.

Birmingham [illegible] Age-Herald
August 30, 1941

TEACHER INDICTED BY ALL-NEGRO JURY

NASHVILLE, Ark., Aug. 29—(AP)—An all-Negro Grand Jury—described by Supreme Court attaches as probably the first ever assembled in Arkansas—Friday indicted a Negro school teacher on two counts of grand larceny in connection with the alleged theft of food supplies from a Negro school.

The Negro, C. C. Haraway, former superintendent and teacher at the Howard County Training School at Tollette, was indicted by the regular Grand Jury last February and subsequently convicted by a trial jury. The conviction was appealed and reversed by the Supreme Court on the ground that a request that Negroes be included on the trial jury had been denied.

Haraway's attorney then asked that the indictment be quashed on the ground that there had been no Negroes on the Grand Jury. Circuit Judge Minor Milwee granted the motion, empanelled the special Negro Grand Jury which reindicted Haraway.

The Supreme Court clerk's office at Little Rock said that although no records were available, it was doubtful if there had been any all-Negro grand juries in the state even during reconstruction days. All-Negro trial juries have been used in several cases in recent years.

A date for Haraway's trial has not been set.

Pittsburgh Courier
Pittsburgh, Pa.

Noted Lawyer Attacks Tenn. Jury Exclusion

NASHVILLE, Tenn., July 3 — Z. Alexander Looby, leading attorney of this section of the South, Friday launched a fight to force use of Negroes on juries in Tennessee, with the filing of a plea of abatement in the case of John Morrell May, on trial on a charge of involuntary manslaughter.

The plea of abatement also asked the charge be quashed on the grounds the case against May was "greatly prejudiced" because of the "unlawful exclusion of all qualified Negroes from the current jury box."

Judge Charles Gilbert of Part II of Criminal Court of Davidson County, took the plea under advisement and promised a ruling within 15 days.

HITS JURY PANEL

The plea further claims that the defendant had been denied "due process and the equal protection of the law in violation of the Constitution of the State of Tennessee and that of the United States."

Containing 11 points, the document stated that all persons whose names were drawn by the Board of Jury Commissioners last February for service on the grand and petit juries, were white persons.

It declared that there "are numerous colored citizens of the state who in every respect, had been, were and still are qualified to serve as petit and grand jurors in civil and criminal courts in Davidson County, including the trials of felony cases".

"Nevertheless," the petition sets out, "the Board of Jury Commissioners, in selecting the jury, from time to time, unlawfully, and in violation of their oaths, did exclude, and always has excluded from jury service, all qualified Negroes, members of the colored race and of African descent, solely on account of their color and race."

TO CARRY CASE TO HIGH COURT

In the plea, it was claimed, that for a long time prior to the selection of the present jury panel there has been a "common understanding by which some person or persons authorized to, or usurping authority to select the jury panel of the Criminal Courts, has so manipulated and controlled the selection, call and qualification of jurors as to unlawfully exclude all Negroes."

Looby said that in most Southure had been going on for the past 50 years which had resulted in the fact that all persons serving on juries in Tennessee have been whites.

The attorney, whose work on racial matters has gained him a Southwide reputation, said that he was prepared to fight the case through the United States Supreme Court, if that became necessary.

"We have no organization behind us now, but we are expecting a fight and will be ready if this plea is refused," he said. "I have been assured of support from many groups here in Nashville and other points in Tennessee.

"We will perfect the organization and go to work if the lower court ruling is against us."

Looby sadi that in most Southern States at present, colored, qualified citizens were called whenever a venire was summoned.

TRIAL GREW OUT OF AUTO CRASH

However, he said, twice to his knowledge have such citizens been called in Nashville, but added, that never had one been permitted to serve on a jury.

Looby added that Negro property owners in Nashville and Tennessee were forced to pay a poll tax whenever they paid their property taxes.

"It was this same taxation without representation that caused the Revolutionary War," the attorney charged. "We are going to do our best to see that we get our rights."

Looby said that May was on trial as the result of an automobile accident on Cedar street, in the colored business section of Nashville.

A white girl was killed in the accident.

Looby said that his client and the white driver of the other car both claimed they had the right of way at a traffic light signal.

Daily World
Atlanta, Georgia

Supreme Court Rules On Race Jury Exclusion

Georgia Tribunal Says Question Must Be Raised At Trial

The Georgia supreme court ruled Thursday that the question of arbitrary and systematic exclusion of Negroes from juries must be raised at the time of trial if it is to have any legal value.

The tribunal ordered a new trial for a man convicted for rape in Cobb county which had been sought on the contention of jury exclusion of Negroes, but it did order a rehearing on a habeas corpus case on grounds the defendant was deprived of benefit of counsel. The Fulton court had denied the habeas corpus.

The supreme court asserted its familiarity with various rulings of the United States supreme court that jury exclusion of Negroes constitutes denial of equal rights guaranteed by the fourteenth amendment, but said:

"A complaint that Negroes were systematically and arbitrarily excluded from the jury lists from the county in the Negro was convicted does not present a good ground for habeas corpus. An objection of this kind should have been presented in a proper way at the trial and upon failure to do so it is to be considered waived."

Tampa, Fla. Tribune
July 13, 1941

NEGROES ON JURIES

LAKELAND.—Seems it is becoming in order for colored citizens to be placed on a jury now in Florida. Note article in Tribune concerning suit brought by school principal and several teachers in Bradenton, the venire contains one colored man.

It may be the defense feels this case may be appealed to Federal Courts in which cases have been remanded because the jury was filled by white citizens only, as in the Scottsboro case.

J. E. YOUNG.

Journal and Guide
Norfolk, Virginia

Not Harsh, But Adequate

DISCUSSING the position the Journal and Guide has held, that "juries discriminate between white persons and Negroes in the punishment they mete out to convicted members of the two races," and restating its accord with us on that point, our esteemed neighbor, the Norfolk Ledger-Dispatch re-affirms its belief that Negro jurors, or an all-Negro Jury having to sit in judgment on Negro cases would impose "severe and even harsh punishment" in cases in which colored persons were convicted of committing crimes against other colored persons.

The Ledger-Dispatch bases its contention upon tradition. Our esteemed contemporary speaks of "the 'unbending firmness' of Negro taskmasters", which, it thinks, "is not to be disputed". This legend, custom or tradition leads the Ledger-Dispatch to believe that "the 'more intelligent and level-headed Negroes' who would serve as jurors, realizing the disrepute brought upon their people by killers and other criminals, would consider harsh punishment to be fitting."

As to whether this would happen we do not know because it has not been tried—at least not within the past 50 years of this writer's lifetime. The presumption could be based upon one's impressions of certain folk-ways in certain people, but to us it looks like what is attributed to potential Negro jurors is an "unbending firmness" which we are not prepared to believe actually exists.

We return to our original proposition that an all-Negro jury, or a mixed jury, well balanced as between the two races, would upon conviction impose punishment fiting the crime. That is to say, the punishment would be adequate, but not necessarily harsh. To assume that it would be harsh is to lean in the same direction that the present system leans—toward inadequate punishment—imposed with disregard for human life and human personality when the principals in a given case are all Negroes.

There is always a case in which the findings appear to be a bit too lenient. Here is one that occurred in a Norfolk Court recently: A man got into a quarrel with his wife, who was pregnant with child, and within a week of becoming a mother. In the course of the quarrel the man knocked or threw his wife to the floor, and, according to testimony admittedly confused and contradictory, kicked her, or struck her, causing the death of the woman and her unborn child. The defendant, tried for murder, was convicted of involuntary manslaughter and given twelve months in prison.

—

Of course there are degrees of murder, and it is often difficult for juries to have before them all the facts and the evidence surrounding a given case. It is not to be taken for granted that every killer should be executed for his crime, because the degree of the punishment must depend upon the degree of the offense. Yet, it is not reasonable to assume that ALL killings of Negroes by other Negroes fall within the second degree of homicide or the lesser degree of manslaughter. From the record, however, it would appear that such is the case, for when can it be recalled that a Negro received the death penalty in Virginia for taking the life of a member of his race?

31-1941

Gadsden, Ala., Times
January 31, 1941

Delay Ordered In Executions

Justice Frankfurter Halts Death Penalty; Another Gets Reprieve

MONTGOMERY, Ala., Jan. 31. (AP)—Eleventh-hour action by Associate Justice Felix Frankfurter in Washington and an executive reprieve here saved two Birmingham negroes from electrocution at Kilby prison early today.

Joe Vernon and L. C. Bell, convicted of the robbery-slaying of Bennie Montgomery, filling station attendant, had been prepared for execution when Warden Earl Wilson received word shortly before midnight that a stay of execution had been granted for Vernon.

Negro and white prison chaplains, a Catholic priest and a Salvation Army major were holding "last" services for the negroes as the warden entered death row at 11:55 P. M. (C. S. T.)—five minutes before the electric current was due to be applied—and told the negroes of their new lease on life.

Leaping into the air and shouting, Bell told Warden Wilson:

"I'm the gladdest negro in Kilby tonight. Some may be going free tomorrow, but I'm happier than any."

Eight or ten other men in death row cheered.

Justice Frankfurter granted Vernon a stay of execution to allow counsel for the negro time in which to file a writ of certiorari, seeking a review of the state supreme court's action denying a writ of habeas corpus.

Action of the supreme court justice followed a dramatic series of events yesterday.

Governor Frank M. Dixon denied reprives for the negroes. Then the Alabama Supreme Court sustained a lower court's action in denying Vernon's plea for a writ of habeas corpus. Vernon's counsel based their plea on a contention that negroes were excluded from the jury that indicted him.

Frantic, last minute efforts were made. Attorney Walter Smith called Washington associates. Finally, Leon A. Ransom, counsel for the National Association for the Advancement of Colored People, obtained a stay.

Supreme court attaches telephoned Warden Wilson and Attorney General T. S. Lawson and directed them to halt the execution of Vernon.

Roland Mushat, Governor Dixon's secretary, then announced a reprieve for Bell.

Ransom said in Washington he understood the stay granted by Justice Frankfurter was for the usual period of 90 days.

Birmingham, Ala. News
January 30, 1941

Negro Seeks Freedom; None Of Race On Jury

MONTGOMERY, Ala.— (AP) —Joe Vernon, Jefferson County Negro facing death in the electric chair Friday, sought release Thursday on a habeas corpus petition on the ground Negroes were "intentionally and systematically" barred from jury service in his trial.

The petition was filed a few hours after Gov. Dixon denied clemency to Vernon and a co-defendant, L. C. Bell, also a Negro. They were convicted of the 1937 slaying of Bennie Montgomery, Birmingham filling station attendant. Bell was denied a review by the U. S. Supreme Court.

Each claimed he was innocent in Wednesday's hearing before Dixon.

The habeas corpus writ was asked by a Birmingham attorney who said he was employed in Vernon's behalf by the National Association for Advancement of Colored People.

Albany-Decatur, Ala. Daily
January 30, 1941

HABEAS CORPUS WRIT IS FILED FOR NEGRO

MONTGOMERY, Ala., Jan. 30 (AP)—Joe Vernon, Jefferson County negro facing death in the electric chair tomorrow, sought release today on a habeas corpus petition on the ground negroes were "intentionally and systematically" barred from jury service in his trial.

The petition was filed a few hours after Governor Frank Dixon denied clemency to Vernon and a co-defendant, L. C. Bell, also a negro. They were convicted of the 1937 slaying of Bennie Montgomery, Birmingham filling-station attendant. Bell was denied a review by the U. S. Supreme Court.

Each claimed he was innocent in yesterday's hearing before Dixon.

The habeas corpus writ was asked by a Birmingham attorney who said he was employed in Vernon's behalf by the National Association For Advancement of Colored People.

Amsterdam News
New York, N. Y.

CONVICTED OF ASSAULT IN '39

High Tribunal's Ruling On Jury Exclusions Brings Release

FEB 8 1941

HOUSTON, — The long arm of the U. S. Supreme Court reached down to Texas last Friday, when in the court of Judge Langston G. King, during a habeas corpus hearing, the indictment against Edgar Smith, 21-year-old Tomball resident was held invalid and he was released from jail.

Smith was convicted of criminal assault on a farm woman and given a life sentence on May 18, 1939. The case attracted wide notice because of the contention by Smith's attorneys, Sam W. Davis and Harry W. Freeman that Negroes were excluded from grand jury service here hence the verdict should be set aside.

FEB 8 1941

The lawyers fought the issue to the U. S. High Court and that tribunal, on Nov. 25, last held Smith's indictment was void because of the discrimination here against his race on grand juries. Smith cannot be reindicted because the statute of limitations bars prosecution in criminal assault cases after one year. He had been in jail since Aug. 1, 1938, the day of the alleged assault.

Journal and Guide
Norfolk, Virginia

Montgomery Names Two Race Men On Grand Jury

MAR 1 1941

MONTGOMERY, Ala., (ANP) — Montgomery County stirred the pages of history and made an approach toward better racial relations last week, when, for the first time, two Negroes were named on the February grand jury.

The two were: Dr. Jerome D. Harris, pastor of historic First Baptist Church, and Prof. J. R. Wingfield, superintendent of the Alabama Reform School at Mt. Meigs.

Afro-American
Baltimore, Maryland

3 Colored Jurors Serve in Baltimore

1941

BALTIMORE — Three colored persons began their terms as petit jurors in the City and Superior Courts on Monday for the first three weeks of the January term.

They are: Whalie Paylor, chauffeur, of 1311 W. Franklin Street, who will serve in Superior Court; Garrett D. Rawlings, cleaner and dyer, of 919 Harlem Avenue, and Maurice C. Johnson, bellman, of 2424 Madison Avenue, both of whom will serve in City Court.

Pittsburgh Courier
Pittsburgh, Pa.

Alabama Selects Negroes For Jury

MAR 1 1941

MAR 1 1941

MONTGOMERY, Ala., Feb. 27—(ANP)—Montgomery county stirred the pages of history and made an approach toward better racial relations last Monday, when, for the first time, two Negroes were named on the February grand jury.

Here in the capital of the Confederacy, where Jefferson Davis directed the rebel hosts during the Civil war, two descendants of the slaves they held in bondage, mounted the jury box to serve as the peers of their fellowmen. The two were: Dr. Jerome D. Harris, pastor of historic First Baptist Church, where the National Baptist Convention, Inc., was organized and Prof. J. R. Wingfield, superintendent of the Alabama Reform school at Mt. Meigs. Dr. Harris and Professor Wingfield are both members of the Civic league of Montgomery.

Tribune
Philadelphia, Pa.

Asked To Qualify For La. Jury Service

SHREVEPORT, La., (ANP)—A. W. Walton, prominent leader in Negro civic and business affairs, also commander of the Johnny Williams Post No. 3768 Veterans of Foreign Wars, has just been asked by the clerk of the Caddo parish court at Shreveport to qualify for jury service.

This marks the first time a Negro has been asked to qualify for jury duty here, and is an incident which is hailed by the local Negro populace as a step forward in securing recognition of Negro rights in the deep south.

SEP 27 1941

Mr. Walton, in a communication received from the clerk of court, was also advised to recommend the names of 10 additional colored persons for jury service. This is the first time such a step has been taken on this issue. It is remembered that in many instances when Negroes were convicted by all white juries, the supreme court has ruled their decisions invalid because Negroes were barred from jury service. Such an incident has not happened here, but the local court is taking no chances and has thus opened the doors to Negroes to serve on juries.

Amsterdam News
New York, N. Y.

Negro Made Acting Fo.. .an Of N.Y. County Grand Jury

FEB 8 1941

Robert P. Braddicks, long prominent in the civic and social life of Harlem and a former vice-president of the Dunbar National Bank, was made acting foreman of the New York County Grand Jury Tuesday on a recommendation made by District Attorney Thomas E. Dewey.

Mr. Braddicks was named by General Sessions Judge Saul Streit, who intimated that he was glad to do so. He is to serve during the February term. As far as could be learned, it was the first time in the history of this State that a colored person has been so honored.

The well known Harlemite gained some experience with the Grand Jury when he served as member six years ago. He is at present holding down an important post on the daily newspaper. P...

FEB 8 1941

R. P. BRADDICKS

York, S. C., Yorkville Enquirer
December 5, 1940

Negroes On Juries.

The late John Lowndes McLaurin of Bennettsville, who was well versed in the laws of the land, used to privately say that the time would come in these United States, and especially in the Scuthern states, when negroes would be seen on our grand and petit juries just about in proportion to white men.

He went on to explain that the negro, under the constitution of the United States is a citizen, and as such entitled to all the privileges of such, and tho there was a pretty general feeling against allowing negroes on juries, sooner or later the matter would be taken to the United States supreme court and that that tribunal would render a decision to the effect that the keeping of negroes off of juries with intent to keep jury verdicts within the minds and actions of white people, was absolutely unconstitutional and unlawful.

The supreme court has recently rendered a decision which verifies Mr. McLaurin's opinion, in the case of a negro of Houston, Texas, convicted on a charge of murder. An appeal was made in his case to the court on the grcund that there were no negroes on the grand or petit jury dealing with his case, and therefore his conviction was illegal and of no effect. The court sustained the contention of the negro's attorneys.

Ft. Payne, Ala., Journal
February 12, 1941

Voting and Jury Duty

No woman has ever served on the jury in DeKalb County. There are only two Negroes in the County qualified to serve on the jury. None ever has. DeKalb County has not one single Negro who is qualified to vote.

Pittsburgh Courier
Pittsburgh, Pa.

WRITER DENOUNCES DECISION

JAN 11 1941

MACON, Ga., Jan. 9—The leading Negro citizens of this section are deploring the publication of a letter to the editor in the Macon Telegraph of December 24th in which a J. B. Kendrick, scores Justice Black for his part and opinion in a rape case which the Supreme Court voided on the grounds that no Negroes were represented on the jury.

Mr. Kendrick contends in his letletter, "that the average South does not have Negroes capable of serving on juries."

Citizens need not worry about this type in the South, as the forces of justice, liberalism and fair play are gradually growing, even in the South.

Kansas City Call
Kansas City, Mo.

Arkansan Indicted By All-Negro Grand Jury

NASHVILLE, Ark.—The first all-Negro grand jury in the history of Arkansas indicted a school teacher of grand larceny here Friday, August 29. The teacher, C. C. Haraway, is accused of taking food supplies from the Howard County Training school at Tollette, Ark., of which he is former superintendent and teacher.

The indictment by the all-Negro jury comes as the climax to a court fight to get Negroes to serve on the jury in compliance with the U. S. supreme court decision in the Scottsboro case.

Haraway was indicted by a white grand jury last February and was tried and convicted by a trial jury. His lawyer, J. S. McConnell, appealed the case and the supreme court reversed the decision of the lower court on the grounds that Haraway had been tried by a jury from which Negroes were excluded.

McConnell then asked that the indictment be quashed because no Negroes were on the grand jury which returned it. Judge Minor Milwee of Howard county, fearing another reversal, decided to call an all-Negro jury, refusing to summon a mixed jury.

The Negro jury found Haraway guilty on two counts of grand larceny and accused him of being an accessory to embezzlement.

He signed a statement once admitting that he stole the supplies but following his indictment last week he pleaded not guilty. The sheriff reported that he found food supplies from the school in his home.

Two Negroes on Jury Panel in U. S. Court at Jefferson City

MAY 23 1941

JEFFERSON CITY, Mo. —For the first time in the history of the central district federal court of Missouri, the names of Negroes have been included on the jury panel.

Two Negroes, Otis Mulkey of Olean and Emmanuel White of ...yette, were summoned for possible jury service in the trial of Edward Thomas Johnson of Cole county who is accused of failing to report for induction under the Selective Service law.

Johnson's trial is scheduled to be held on May 22 in the federal court in the post office building. Johnson claims that he was classified incorrectly and should have been deferred because he is a conscientious objector. He is now free on bond.

The placing of Negroes on the federal jury panel is an outgrowth of Bluford vs. University of Missouri case in which the jury question was raised last fall during the trial of the $10,000 damage suit filed by Lucile Bluford of Kansas City against S. W. Canada, registrar of the university.

Twenty or more witnesses were placed upon the stand by Charles H. Houston of Washington, chief counsel of the N.A.A.C.P. to testify that Negroes had never been called for jury service despite the fact that many Negro citizens qualified to serve as jurors lived within the central district.

Judge John Caskie Collet, presiding judge of the central district, overruled Houston's motion to dismiss the jury on the grounds that Negroes were systematically excluded from the panel.

MAY 23 1941

With Johnson's trial approaching however, the court reminded U. S. Commissioner Charles Seibold that citizens were not to be excluded from the jury panel on the basis of race. Seibold said that federal jurors are picked from lists of names suggested by postmasters and that no Negroes had been selected before. With the question raised in the Bluford case in mind, Judge Collet insisted that the names of Negroes be drawn.

MAY 23 1941

31-1941
The Daily Worker
New York, N. Y.

Bar Negro From Spell Jury for Having Attended NAACP Meeting

Society Woman, Accuser of Negro Butler, Is 'Confused' and Vague on Witness Stand as Bridgeport Trial Opens

JAN 2 31941

By Ernest Moorer
Daily Worker Staff Correspondent

BRIDGEPORT, Conn., Jan. 22.—Sensation-hunting newspapers got what they were looking for in the Spell case today in the halting, sobbing, half-hysterical story of Mrs. John K. Strubing Jr., who accused her former chauffeur of "rape," but a larger and more ominous question passed almost unnoticed: The exclusion of a Negro juror on the ground that he had at one time been a member of the National Association for the Advancement of Colored People.

Mrs. Strubing at last appeared in open court in an attempt to substantiate the charge she made against Joseph Spell, a 31-year-old Negro, and upon which Spell has been held in jail since Dec. 11. The story she told here today was sharply at variance in many important particulars from the accounts which were attributed to her six weeks ago.

Specifically, she testified today that she "could not be sure" whether Spell "pushed her" into the Kensico Reservoir on the morning of Dec. 11, after she had allegedly been raped by him the night before, or whether she walked from his car and entered the reservoir voluntarily.

The newspaper accounts at the time, which were attributed to her, made sensational use of her assertion that Spell threw her into the Kensico Reservoir.

CONTRADICTS KNIFE STORY

Even more important was evidence centering around a small, red-handled pen-knife. At the time of Spell's arrest, it was reported that Spell had threatened her with the knife and that because of the fear inspired by this "weapon" she had submitted to the alleged rape.

Under questioning by State's Attorney Lorin W. Willis, and not by the defense counsel, Mrs. Strubing could only recall that the knife entered the story on three occasions: once when Spell "cut a piece of string" to "tie my wrists and ankles;" a second time when he "agreed to cut the strings off my ankles" and finally when she said Spell removed the binding from her wrists.

Only two witnesses preceded Mrs. Strubing to the stand. They were C. W. Hubbard, a Greenwich architect, who brought a floor plan of part of the Strubing house, and John K. Strubing Jr., Mrs. Strubing's husband who testified that he was out of town on the night of the alleged "rape" and then told of the arrangement of the locks on various doors in the Strubing's living quarters in the spacious house on Round Hill Road, Greenwich.

But an event of deeper significance occurred in the morning session when two jurors were being sought to complete the panel of 10 which was chosen yesterday.

MENTIONS N.A.A.C.P.

One prospective juror had been examined when prospective juror Robert A. Thompson was called to be examined. Thompson is a Negro hat cleaner of Bridgeport. The only other Negro on the prospective panel had been rejected yesterday on a peremptory challenge by Prosecutor Willis.

Thompson was being questioned by Defense Attorney Samuel A. Friedman. Thompson's answers were especially clear.

"Mr. Thompson," Friedman asked, "the accused in this case is also a Negro; would that cause you to be biased either way?"

"It would not," he replied.

Friedman then asked a question which had been asked of all prospective jurors: "Have you ever seen me before?"

"Once that I recall," he answered. "At a group meeting."

The prosecutor's interest in the questioning suddenly increased. "What kind of meeting?" Willis asked.

"An NAACP meeting."

Further questioning developed the fact that the meeting was several years ago, that it was in fact an Emancipation Day meeting sponsored by the local NAACP organization, and while Thompson is not a member of the NAACP now, he was a member "three or four years ago."

COURT BARS HIM

Whereupon Willis addressed Judge Carl Foster with the following remark:

"Is it not true that a member of that organization (nodding in the direction of NAACP Attorney Thurgood Marshall) sits at the Counsel table . . . and that it is an organization which has interested itself in this case?" He then moved that Judge Foster exclude Thompson as a juror.

Friedman argued that the NAACP has a particularly large membership among Negroes in New England, and that to bar Thompson would in effect place an automatic bar on virtually all Negroes.

Judge Foster then delivered the following opinion and ruling:

"If this man is not chosen, no harm will be done; if he is chosen harm might be done." To Thompson he said: "Excused by the Court."

Friedman immediately noted an exception to the ruling, and shortly afterward, during a recess remarked that the incident was "very important."

JURY COMPLETED

The jury was complete during the morning session with the acceptance of Mrs. Margaret E. Downs, the wife of a Danbury hatter, and Patrick Callahan, an elderly Stratford farmer.

Before Juror No. 12 was seated the defense won from Judge Foster the exclusion of Mrs. Minnie O. S. Edwards, the wife of the Easton, Conn., First Selectman, who showed outspoken prejudice.

For sensation - hunters, the breath-taking moment came when Mrs. Strubing entered the court room between a man who looked like a body guard and a [illegible]ed nurse in uniform. She was [illegible] in a plaid suit with a cap to match and was ass[illegible] into [illegible] wit[illegible] chair by [illegible] Attorney.

Question[illegible] proceeded [illegible] liminary sta[illegible] to the allege[illegible]

This portion [illegible] brought many [illegible]think" and "I g[illegible] as I can remember u[illegible] attorney Friedman obj[illegible]

He was sustained by Judge Foster who warned Mrs Strubing about "guessing."

But upon an admittedly "confused" story the State of Connecticut is trying Joseph Spell for a serious crime, carrying with it a possible penalty of 40 years in the State Penitentiary.

During the recital of her charges of the alleged "rape," Spell sat calmly between his attorney and a Sheriff's officer and appeared to be listening closely but with emotion.

She told of writing a "ransom" note at Spell's dictation, and of putting it "either in the mail box" or it "might have been in the kitchen." The note did not appear in evidence.

Then came the important testimony about the knife.

"Did Spell have anything in his hand?" Willis asked her.

"I don't remember," she replied.

A little later she alleged that Spell had taken her to the kitchen to bind her hands and wrists.

DIDN'T "CRY OUT"

"When did you first see the knife," Willis asked.

"This is the first time I can honestly say I saw it" she said. At no time did she testify that she was threatened with a knife or any other of weapon.

She testified that on two or more occasions Spell let her "to go upstairs."

"Did you cry out?"

"No," she said.

There was a telephone in the room where the first "rape" allegedly occurred. She testified that she made no attempt to use it.

The story of the two night rides was almost impossible to follow.

Questioning by Defense Attorney [illegible]man had just begun when the [illegible]cessed for the second day.

[illegible] won from her the admis[illegible]at she had engaged as an [illegible] several sports and that [illegible]y healthy and strong."

Macon Ga Telegraph
January 2, 1941

Letters

Negroes on Juries

Editor The Telegraph:

I have just read a letter to you from Mr. J. B. Kendrick, of Dawson, Ga., concerning the competency of Negroes to serve on juries. Mr. Kendrick makes a pretty poor effort to prove his case on the oft-shattered and thoroughly refuted evidence that was used 60 years ago with some success.

Mr. Kendrick fails to recognize that all intelligent white people of the South discarded such rantings and ravings so long ago that to resurrect them now scarcely causes a ripple on an otherwise calm sea.

"A man does not have to be a lawyer" to know that if a Negro is educated even to a reasonable degree and given just half an economic chance [instead of going to some sharecropper's field at the age of six or seven years to be one of Mr. Kendrick's ideal servants] he will be just as competent a juror as any other man. Because he will certainly succeed.

Look around us here in Bibb county and we will find those Negroes who have had just a little learning, those who through hard study in over-crowded classrooms [where one teacher has from 40 to 75 students] living in their own homes. Most of them have cars, they have nice churches, they carry insurance and, in most instances, they have small but tidy savings accounts. They take a part in Red Cross drives and Community Chest efforts. When men and women thus handicapped succeed in that degree, I hold that they are competent as much or more than their contemporaries, who are much less handicapped.

I don't pretend to be a scholar so I really don't know that through the thousands of years of history the Negro has never had stable government, a language or a religion of his own and the other things Mr. Kendrick says. Nor do I know of a scholar who will testify to Mr. Kendrick's statement. Neither have I read a history [I have studied Ancient, Medieval and Modern] that bears him out in his contentions.

* * *

Further, I am not willing to use the Bible as a witness to prove that Negroes are fit habitants only for the jungle.

Mr. Kendrick harangues Mr. Black for being a Southern man, knowing the Negro, his virtues and his failings, yet voiding the conviction of a Negro for rape on the grounds that no Negroes were represented on the jury. True, Mr. Black is a Southerner, but Mr. Kendrick forgets that Mr. Black is also an associate justice of the supreme court of the United States of America. The decision was not only unanimous but also legal and the legal product of a legal investigation.

We in America, both white and colored, go into righteous indignation at the mockery of the totalitarian courts and totalitarian justice. Merely to read of the star chamber trials and the persecution of Germany and Russia that causes floods of speeches, letters, etc., of condemnation, yet right here in America where law, liberty, and justice are supposed to be supreme, a man who is supposed to be intelligent, who was born free and has had every opportunity for enlightenment, rants and raves because justice has its course. Such is anarchy.

We say to Mr. Kendrick the fault lies not in Mr. Justice Black but in those of the lower courts whose duty it is to prosecute [all] criminals legally.

We do not mean to condone the horrible and revolting crime of rape nor any other crime, but the accused should be convicted legally. This is the making of good government.

Macon. W. PHILIP RANDALL.

Negro Labor News
Houston, Texas

SEEK NEGROES ON JURY IN NEW YORK UNORCIDE CHARGE

JAN 25 1941

NEW YORK CITY — (ANP) — Taking the position that Negroes have never been used on "blue ribbon" juries in New York county and oposing their use in a case involving Morris Preston, a young Negro charged with mudering his wife Attorney Morris Shapiro raised the issue before Judge Goldstein in the court of special sessions here last week.

Assistant District Attorney James O'Malley, from District Dewey's office moved that the jury of aristocrats or community leaders be used. Attorney Thurgood Marshall presented an amicus belief signed by himself Hubert T. Delaney, Morris L. Ernest and Benjamin Kaplan which charged that the use of jury lists which are in any way affected by racial discrimination, is in violation of state and federal law. Further hearings will be held Wednesday, January 22.

The Daily Worker
New York, N. Y.

Only 2 Negroes On Jury Panel To Try Spell

JAN 2 2 1941

(Special to the Daily Worker)

BRIDGEPORT, Conn., Jan. 21. —The jury panel from which 12 persons are being drawn to try Joseph Spell contains the names of two Negroes. Until two years ago there were no Negroes on Fairfield County jury lists.

At that time, a manslaughter case involving a Negro named Henry Gray brought the matter to an issue in the same court Spell is now being tried in and Attorney Samuel E. Friedman, who is today defending Spell, argued that the Scottsboro case Supreme Court decision made the inclusion of Negroes on juries here obligatory.

But the fact remains that although one-sixteenth of the jurors in this case are Negroes, nearly one-seventh of the local population are Negro. In the last election, out of a total vote of 143,000 in Fairfield County, more than 19,000 votes were cast by Negroes, a local official of the NAACP said today.

Black Dispatch
Oklahoma City, Okla

Race Bias Disqualifies Florida White From Jury; Wont Believe Negro's Word

Judge Appreciates Frankness, But Says Jury Panel Is No Palce For Him

Judge Is Favorite In Harlem

JUN 7 1941

NEW YORK.—(ANP)—Because he said he would not believe the word of a Negro under any circumstances against that of a white man, a Florida white man was permanently disqualified from jury duty here by Judge Johah J. Goldstein in general sessions last Friday. He is Leo J. Goodwin, manager of a sight-seeing bus concern, who was being questioned by one of the lawyers preliminary to the start of a robbery trial in which the defendant is a Negro.

"Where do you come from?" the court asked Goodwin.

"Florida," replied the talesman.

"I appreciate your frankness," Judge Goldstein interrupted, "but the jury panel is no place for you. A juror always should be fair and impartial."

John Lee, the 33-year-old defendant, is charged with stealing a gold watch from Jeremiah Haggerty, white, during the hold-up of a bus in Harlem on Feb. 7.

Judge Goldstein has always been a favorite in Harlem because of his interest in the community and in the welfare of its residents. A few years ago when he was an Independent candidate for Democratic nomination for a high city office, Judge Goldstein polled more votes in the Harlem districts than he did in any other part of the city.

Negro Labor News
Houston, Texas

FLASH!!

SEP 15 1941

First All-Negro Jury State In Corpus Christi

Corpus Christi — (Special) — For the first time in the history of Texas jurisprudence an all-Negro jury panel has been summoned.

This "rare" and almost unbelievable situation took place this week in Nueces County when the jurors were being selected for the trial of Owen Jackson accused of slaying another Negro on July 5.

Judge George C. Westervelt in commenting on the situation said he believed the all-Negro jury would be the first in the history of the state.